

567—101.13 (455B,455D) Types of comprehensive plan submittals to be filed. There are three types of comprehensive plan submittals: initial, updates, and amendments. The purpose of these types of comprehensive plans is the development of a specific plan and schedule for implementing technically and economically feasible solid waste management methods that will prevent or minimize any adverse environmental impact and meet the state's waste volume reduction and recycling goals pursuant to rule 567—101.6(455B,455D).

Cities and counties planning to use a municipal solid waste sanitary disposal project in Iowa must participate in a comprehensive plan with all other cities and counties using that municipal solid waste sanitary disposal project. Cities and counties planning to use an out-of-state disposal facility(ies) must file a comprehensive plan that identifies the out-of-state facility(ies) used. Cities or counties using an out-of-state disposal facility(ies) are still required to meet all comprehensive plan submittal requirements.

If it is demonstrated to the department that any of the provisions outlined in paragraphs “1” through “3” below will not impact the planning area significantly, then the department may consider accepting a comprehensive plan amendment. If during the planning cycle a change occurs to an existing planning area, the submission of an initial comprehensive plan may be required. An initial comprehensive plan is needed if:

1. A new planning area is established.
2. A change increases or decreases the population or the disposal tonnage of the planning area by more than 30 percent.
3. The solid waste disposal method has changed or a new method has been initiated, including siting of a new municipal solid waste landfill or municipal solid waste incinerator.

101.13(1) Content of an initial comprehensive plan. In fulfillment of the requirements of Iowa Code section 455B.301A and Iowa Code chapter 455D, an initial comprehensive plan shall include the following information:

a. A description of the planning area and the public and private agencies involved in the integrated solid waste management system, including a description of each agency's role in managing solid waste generated in the area.

b. A resolution or resolutions from all local governments or 28E agencies established for the purpose of managing solid waste or implementing integrated solid waste management systems, or both, on behalf of local governments, and letters of cooperation from privately owned municipal solid waste sanitary disposal projects participating in the comprehensive plan. The resolution(s) shall include a statement that the comprehensive plan participants have reviewed the initial comprehensive plan and will adopt the implementation schedule contained within the initial comprehensive plan. Letters of cooperation from private agencies shall include a statement that the private agencies have reviewed the comprehensive plan and support the waste volume reduction and recycling efforts outlined therein. The letter of cooperation shall briefly summarize the implementation schedule. If a local government included in the planning area refuses to provide a resolution, then that local government must prepare its own comprehensive plan and is no longer considered to be in the original planning area. In such cases, the original comprehensive plan may still be approved if it includes a brief addendum stating the effect of the change on the waste stream, but the municipal solid waste sanitary disposal project(s) in the planning area may no longer accept waste from the local government that has withdrawn from the comprehensive plan. Privately owned municipal solid waste sanitary disposal projects failing to provide letters of cooperation will be unable to receive a permit or permit renewal. If a city, county, or other public agency complies with comprehensive planning requirements by means of a contract(s) with an agency holding a municipal solid waste sanitary disposal project permit or with a hauler(s) that has a contract(s) with an agency holding a municipal solid waste sanitary disposal project permit, a list of those contracts shall be submitted as provided in rule 567—101.5(455B,455D).

c. A detailed description of public participation, including:

- (1) Details of ongoing strategies to provide the public with opportunities to provide input.

(2) A list of all public hearings or meetings that were held in conjunction with the development of the initial comprehensive plan and the methods used to publicize public meetings on the initial comprehensive plan.

(3) An account of opportunities for the public to comment on the initial comprehensive plan and minutes from any meetings regarding initial comprehensive plan development.

(4) Proof that a minimum of two public meetings were held during the development of the initial comprehensive plan. The first meeting shall inform the public of the initial comprehensive plan development process, while the second meeting shall provide the public with an opportunity for review and comment on the initial comprehensive plan.

d. A description of past local and regional planning activities.

e. A report of the base year waste stream in total tons per year. Progress toward meeting the state's waste volume reduction and recycling goals pursuant to rule 567—101.6(455B,455D) shall be demonstrated through methods described in this chapter.

f. A description of population, employment, and industrial production as of the planning area's base year waste stream.

g. A description of the current waste composition and waste generation rates and a projection of waste composition and waste generation rates spanning two planning cycles. This description should include the effects of anticipated planning area modifications on waste generation and composition in the future. These factors may include economic changes, population changes, loss or addition of communities to the planning area, and any other modification expected to affect the amount of waste generated.

h. A description of the current integrated solid waste management system that contains a specific methodology for meeting the state's waste volume reduction and recycling goals pursuant to rule 567—101.6(455B,455D). This description shall include:

(1) Details of strategies and educational efforts designed to:

1. Increase public awareness about proper recycling and disposal options for motor oil and lead-acid batteries.
2. Encourage residents of the planning area to dispose of household appliances properly.
3. Encourage tire stewardship and proper tire recycling and disposal.
4. Encourage backyard composting and proper management of yard waste.
5. Encourage residents of the planning area to properly manage household hazardous waste.

(2) A list of collectors/recyclers used by the permitted municipal solid waste sanitary disposal project(s) for the proper management of tires or household appliances.

(3) A detailed narrative of all other existing waste management programs in the planning area that addresses all components of the state's waste management hierarchy. This narrative must include specific methodologies for the separation of glass, paper, plastic and metal. For each specific waste management program, the following shall be included:

1. Program description.
2. Responsibility for program oversight.
3. Funding source(s).
4. Public education strategies employed.
5. Targeted audiences (business and industry, urban residents, rural residents, local governments, and public institutions).
6. The anticipated impact on the waste stream and diversion over at least two planning cycles.

(4) A discussion of the strengths and weaknesses of existing programs, efforts and strategies in the current integrated solid waste management system.

(5) An evaluation of the planning area's progress toward meeting the state's waste volume reduction and recycling goals. This evaluation shall address the goal progress calculation that was most recently provided in writing by the department. The department, upon written notification of intent to

submit an initial comprehensive plan, will, within 30 days after receipt of notification, perform a goal progress calculation using the most current complete fiscal year data set available.

i. An assessment of alternative waste management systems, programs and strategies that addresses each of the following tiers of the state's waste management hierarchy:

- (1) Source reduction options including, but not limited to, backyard composting and management of household hazardous waste.
- (2) Recycling and reuse options.
- (3) Combustion options with or without energy recovery. Any programs using incineration, with or without energy recovery, must include methodologies for prior removal of recyclable and reusable material, material that will result in uncontrolled toxic or hazardous air emissions when burned, and hazardous or toxic materials which are not rendered nonhazardous or nontoxic by incineration.
- (4) Use of other existing or planned sanitary landfills or transfer stations.

j. If construction of a new or purchase of an existing municipal solid waste sanitary disposal project is considered or proposed, an initial comprehensive plan shall include:

- (1) A summary of established and anticipated regulatory requirements regarding future siting, operation, closure and postclosure of each facility.
- (2) A financial plan detailing the actual cost of the municipal solid waste sanitary disposal project, including the funding sources of the project, and a description that spans two planning cycles of the methods of financing. The financial plan shall address:
 1. Initial capital expenditures, including land acquisition, if applicable.
 2. Local approval costs, including legal, engineering, and administrative fees.
 3. Long-term costs, operations, closure and postclosure.
 4. A mechanism to fund closure and postclosure costs.
 5. Projected annual revenues.

(3) A description of expected environmental impacts from the construction of a new or purchase of an existing municipal solid waste sanitary disposal project.

¹ (4) Rescinded IAB 7/4/07, effective 10/1/07.

k. A specific plan and schedule spanning two planning cycles for implementing the initial comprehensive plan. Items that shall be addressed include:

- (1) Proposed activities and locations.
- (2) Responsible organization(s).
- (3) Implementation milestones.
- (4) Public education strategies.
- (5) Anticipated impact on the waste stream and diversion.

101.13(2) *Comprehensive plan updates for municipal solid waste sanitary disposal projects.* The department shall notify a planning agency of the due dates of the comprehensive plan update submittal a minimum of 12 months prior to the beginning of the planning cycle. In fulfillment of the requirements of Iowa Code section 455B.301A and Iowa Code chapter 455D, a comprehensive plan update shall include the following information:

a. A narrative that describes any permanent change in the planning area that has resulted in change in the waste stream, if applicable. An amendment to the comprehensive plan update is required prior to the facility's receiving waste on an ongoing basis from outside the delineated planning area.

b. A resolution or resolutions from all local governments or 28E agencies established for the purpose of managing solid waste or implementing integrated solid waste management systems, or both, on behalf of local governments, and letters of cooperation from privately owned municipal solid waste sanitary disposal projects participating in the comprehensive plan update. The resolution(s) shall include a statement that the comprehensive plan participants have reviewed the comprehensive

plan update and will adopt the implementation schedule contained in the comprehensive plan update. Letters of cooperation from private agencies shall include a statement that they have reviewed the comprehensive plan update and support the waste reduction and recycling efforts outlined therein. The letter of cooperation shall briefly summarize the implementation schedule. If a local government included in the planning area refuses to provide a resolution, then that local government must prepare its own comprehensive plan and is no longer considered to be in the original planning area. In such cases, the original comprehensive plan update may still be approved if it includes a brief addendum stating the effect of the change on the waste stream, but the municipal solid waste sanitary disposal project(s) in the planning area may no longer accept waste from the local government that has withdrawn from the comprehensive plan. Privately owned municipal solid waste sanitary disposal projects failing to provide letters of cooperation will be unable to receive a permit or permit renewal. If a city, county, or other public agency complies with comprehensive planning requirements by means of a contract(s) with an agency holding a municipal solid waste sanitary disposal project permit or with a hauler(s) that has a contract(s) with an agency holding a municipal solid waste sanitary disposal project permit, a list of those contracts shall be submitted as provided in rule 567—101.5(455B,455D).

c. A description of public participation, including:

- (1) A summary of ongoing strategies to provide the public with opportunities to provide input.
- (2) A list of all public hearings or meetings that were held in conjunction with the development of the comprehensive plan update and the methods used to publicize public meetings.
- (3) Proof that a minimum of two public meetings were held during the development of the comprehensive plan update. The first meeting shall inform the public of the comprehensive plan update development process, while the second meeting shall provide the public with an opportunity for review and comment on the comprehensive plan update.
- (4) An account of opportunities for the public to comment on the comprehensive plan update and minutes from any meetings regarding comprehensive plan update development.

d. A report of the base year waste stream in total tons per year. This base year data and landfill tonnage information for the most current completed fiscal year data set available will be used to demonstrate progress toward meeting the state's waste volume reduction and recycling goals pursuant to rule 567—101.6(455B,455D) through methods described in this chapter.

e. A description of changes in population, employment, and industrial production since the last approved comprehensive plan or comprehensive plan update.

f. A description of current waste composition and waste generation rates, including:

- (1) Changes since the last approved comprehensive plan or comprehensive plan update.
- (2) The effects of anticipated planning area modifications on waste generation and composition in the future. These factors may include economic changes, population changes, loss or addition of communities to the planning area and any other modification expected to affect the amount of waste generated.

g. A discussion of changes to the integrated solid waste management system since the last approved comprehensive plan or comprehensive plan update, including:

- (1) New and evolving strategies, efforts, and programs implemented within the planning area to:
 1. Increase public awareness about proper recycling and disposal options for motor oil and lead-acid batteries.
 2. Encourage residents of the planning area to dispose of household appliances properly.
 3. Encourage tire stewardship and proper tire recycling and disposal.
 4. Encourage backyard composting and proper management of yard waste.
 5. Encourage residents of the planning area to properly manage household hazardous waste.
 6. Provide for the separation of glass, paper, plastic and metal.

(2) A list of collectors/recyclers used by the permitted municipal solid waste sanitary disposal project(s) for the proper management of tires or household appliances.

(3) A detailed narrative of all waste management programs implemented since the last approved comprehensive plan or comprehensive plan update that addresses all components of the state's waste management hierarchy. For each specific waste management program implemented since the last approved comprehensive plan or comprehensive plan update, the following shall be included:

1. Program description.
2. Responsibility for program oversight.
3. Public education strategies employed.
4. Targeted audiences (business and industry, urban residents, rural residents, local governments, and public institutions).
5. The anticipated impact on the waste stream and diversion over at least two planning cycles.

h. An evaluation of progress toward meeting the state's waste volume reduction and recycling goals using the goal progress calculation provided by the department 12 months prior to the due date of the comprehensive plan update. This analysis may use any combination of the following methodologies:

(1) Trend analysis of goal progress since the initial comprehensive plan.

(2) Formal, stakeholder-based collaborative goal-setting process leading to development of long-range integrated solid waste management system goals. The process shall include development of detailed objective-based strategies to achieve the desired goals. If programs have been implemented since the establishment of the goals, the comprehensive plan update shall include analysis of their impact on the long-range goals.

(3) An analysis of the effectiveness or benefit of existing programs, individually and in aggregate, including a discussion of opportunities and need for improvement, modification or expansion.

i. Analysis of the impact of alternative solid waste management methods not currently employed, but being considered within the planning area.

j. A specific plan and schedule spanning two planning cycles for implementing the comprehensive plan. Items that shall be addressed include:

- (1) Proposed activities and locations.
- (2) Responsible organization(s).
- (3) Implementation milestones.
- (4) Public education strategies.
- (5) Anticipated impact on the waste stream and diversion.

101.13(3) *Transfer stations and construction and demolition waste disposal sites.* Rescinded IAB 8/12/09, effective 9/16/09.

101.13(4) *Comprehensive plan updates for permitted monowaste facilities.* Rescinded IAB 8/12/09, effective 9/16/09.

101.13(5) *Comprehensive plan updates for permitted monogenerator facilities.* Rescinded IAB 8/12/09, effective 9/16/09.

101.13(6) *Comprehensive plan updates for permitted incinerators.* Rescinded IAB 8/12/09, effective 9/16/09.

101.13(7) *Comprehensive plan amendments.* If a municipal solid waste sanitary disposal project or city or county requests to be included in a planning area after completion of an initial comprehensive plan or a comprehensive plan update but before the next comprehensive plan update is due, and the planning area participants agree to include the city, county, or municipal solid waste sanitary disposal project, the following procedure is required:

a. A letter must be submitted to the department by the facility operator describing the facility's operation and the amount of waste to be managed, or by the city or county describing that local government's intention to participate in the specified comprehensive plan.

b. In a letter that must be submitted to the department, the planning agency must agree to accept the city, county, or municipal solid waste sanitary disposal project in the planning agency's planning area

and must state how the change will affect the planning area's waste stream, including an explanation of the change in the planning area, the amount of waste involved and details of waste reduction and recycling efforts that will be implemented in any new communities, if applicable.

c. The next comprehensive plan update submitted by the planning agency shall include the amended city, county, or municipal solid waste sanitary disposal project.

d. If a city or county joins a planning area, a resolution must be submitted to the department stating the city's or county's commitment to the comprehensive plan of the planning area, and stating that the city or county will work to implement the comprehensive plan of the planning area.

101.13(8) *Failure to meet the 25 percent waste volume reduction and recycling goal.* If at any time the department notifies a planning agency in writing that the planning area has failed to meet the 25 percent waste volume reduction and recycling goal, then, at a minimum, the solid waste management techniques listed in Iowa Code section 455D.3(4) must be implemented throughout the planning area. Evidence of implementation of these solid waste management techniques shall be documented in comprehensive plan updates. The planning area shall:

a. Develop draft ordinances no later than 6 months after the date of the goal progress calculation approval letter issued by the department. Ordinances shall be enacted and implemented no later than 12 months after the date of issuance of the goal progress calculation approval letter. Local governments are charged with the responsibility for establishing collection fees that are based on volume or on the number of containers used for disposal by residents, and for submitting documentation of ordinance enactment and implementation.

Local governments shall set the maximum container limit for a base price service at or below 100 gallons of solid waste per household per week. If an ordinance has a base price service limit that is over 100 gallons of solid waste per household per week, communities will be required to justify how the ordinance has been designed to meet the state's waste volume reduction and recycling goals.

b. Conduct an educational and promotional program to inform citizens of the manner and benefits of reducing, reusing, and recycling materials and the procurement of products made with recycled content. The program shall include the following:

(1) Targeted waste reduction and recycling education for residents, including residents of multifamily dwelling complexes having five or more units.

(2) A seminar for the commercial sector regarding the benefits of and opportunities for waste reduction and recycling. The planning area shall provide a description of the methods used to encourage participation in the commercial recycling seminar and a list or count of the businesses attending.

(3) Promotion of recycling through targeted community and media events.

(4) Recycling notification and educational packets to all new residential, commercial, and institutional collection service customers that include, at a minimum, the manner of preparation of materials for collection and the reasons for separation of materials for recycling.

c. Notify the public of the planning area's failure to meet the waste volume reduction goals of this chapter.

(1) The planning area participants shall notify the public using the following standard language:

PUBLIC NOTIFICATION
(insert NAME OF SOLID WASTE PLANNING AREA)

The Iowa General Assembly mandated that the amount of waste landfilled as of July 1, 1988, be reduced 25 percent by July 1, 1994, and 50 percent by July 1, 2000, through source reduction and recycling activities.

The (insert name of solid waste planning area) did not meet the state's 25 percent waste volume reduction and recycling goal and is now required to implement a number of waste management techniques. Because the (insert name of solid waste planning area) did not meet the 25 percent goal, landfill users will pay 50 cents per ton in addition to the state solid waste fee of \$4.25 per ton of material

landfilled. This additional fee will be applied until the (insert name of solid waste planning area) demonstrates it has attained the goal. In contrast, those planning areas meeting the goal may subtract 60 cents per ton from the state solid waste fee.

The (insert name of solid waste planning area) must also do the following:

1. Develop draft ordinances to be used by local governments for establishing fees that are based on volume or on the number of containers used for disposal by residents;
2. Conduct an educational and promotional program to inform citizens of the manner and benefits of reducing, reusing, and recycling materials and the procurement of products made with recycled content.

Everyone—businesses, industries, schools, governments, and citizens—must work together to reduce the amount of valuable resources being landfilled.

To find out how you can help reduce waste and participate in the activities listed above, please contact (insert name of contact person) at (insert telephone number of contact person).

The (insert name of solid waste planning area) includes (insert names of participating local governments—cities and counties).

(2) The planning area participants shall notify the public using the following procedures:

1. Publication of the notice in not less than a one-quarter page format in a daily newspaper(s) of general circulation in each county within the planning area as soon as possible, or within 60 days from the date the department notifies the planning agency that it has failed to meet the 25 percent waste volume reduction and recycling goal.

2. If counties served by the planning area are not served by a daily newspaper(s) of general circulation, notice shall instead be given by publication in a weekly newspaper(s) of general circulation in each county within the planning area.

(3) The planning agency shall submit to the department, within 30 days from the date of publication of the public notice, proof of publication from the newspaper(s) used to satisfy this requirement.

d. For municipal solid waste sanitary disposal projects required to remit state tonnage fees, require remittance of an additional 50 cents per ton to the department as outlined in subrule 101.14(3).

[ARC 8037B, IAB 8/12/09, effective 9/16/09]

¹ Effective date of rescission of 101.13(1)“j”(4) delayed 70 days by the Administrative Rules Review Committee at its meeting held September 11, 2007.